

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
March 20, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Margie Stephenson, Deputy Clerk to the Board
Ann Hardy, Fiscal Operations Director
Sgt. Brian Sanders

ABSENT: Debby Gore, Clerk to the Board

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Norris gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. Commissioner Sue requested to add as item X-1 Resolution In Support of Protecting Environmental Restraints.
2. County Attorney requested to add as item X-2 Closed Session.

Commissioner Norris moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda.

1. Mr. Jim Arneson from Calabash addressed the board regarding a road petition for Clairday Road expressing the need for road maintenance. Chairman Sandifer requested Mr. Arneson to provide the Clerk with a copy of said road petition, who would in return, make the appropriate copies for all Commissioners and the appropriate Department of Transportation staff.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

B. Tax Matters

1. November 2005 Motor Vehicle Valuation and Levy
2. March 2006 Tax Releases
3. March 2006 Fire Fee Releases
4. Tax Collection Report (Information Only)

C. Finance

- 1) General Fund Amendment 64-Increase State Revenue \$6,789

The NC State Board of Elections HAVA Grant was estimated at \$362,414 and an appropriation was made for that amount. The county was notified that the actual award is \$6,789 higher. Staff recommends reducing the investment earnings originally appropriated by \$6,789 and appropriating the additional grant funds of \$6,789 for elections equipment. There is a savings of \$6,789 of county funds.

- 2) General Fund Amendment 73-Increase \$30,000

The NC State Board of Elections notified the county of additional HAVA Grant funds of \$30,000. Staff recommends appropriating the additional grant funds of \$30,000 for elections equipment. There are no additional county funds involved in this amendment.

- 3) Health Fund Amendment 24 Increase \$13,147

The Environmental Health Food and Lodging program, 13182, has received a performance based distribution of fees from the State of North Carolina in the amount of \$13,147.20. The department requests a budget appropriation of the State revenues for laboratory supplies of \$1,000, office supplies \$5,147, minor office equipment \$2,000, travel mileage \$1,000 and travel-subsistence of \$4,000. There are no additional county funds involved in this amendment.

- 4) Water Fund Amendment 11 Increase \$2,363

The county received an insurance reimbursement of \$2,363 for the replacement of tools stored in a county vehicle. The utilities department replaced the tools and requested a reimbursement to the budget that was used to purchase the replacement tools. There are no additional county funds involved in this amendment.

- 5) Enterprise Capital Project Fund Amendment 22 Decrease \$200,611

County Capital Reserve Fund Amendment 16 Increase Undesignated \$200,611

The county established the Hale Swamp Project (418206). The project is no longer in the capital improvement plan. Staff recommends transferring the funds committed for the project back to the County Capital Reserve undesignated account to be appropriated for

future projects at the direction of the commissioners. There are no additional county funds involved in this amendment.

- 6) **General Fund Amendment 74 Decrease Contribution to Hospital Authority \$100,000**
The amendment reverses the December 5, 2005 \$100,000 amendment for a contribution to Brunswick County Hospital. The contribution was to assist the authority with finding a new lessee. The amount was not needed. If approved, this amendment will transfer the \$100,000 to the detention salaries and wages overtime line item to fund the anticipated shortfall. There are no additional county funds involved in this amendment.

D. Road Petition

1. Approve SR-2 Resolution for Camelia Drive SW, Driftwood Acres Drive SW, Myrtlewood Drive SW, and Pinewood Drive SW, in Driftwood Acres Subdivision to the North Carolina Department of Transportation State Highway System.

E. Solid Waste

1. Request approval to exempt Trinity United Methodist Church from tipping fees at the Brunswick County Landfill.

F. Operation Services

1. Request approval to replace an existing drainage culvert in the "Shady Forest" subdivision, in the Calabash area, for mosquito control.

VI. PRESENTATION

1. Government Finance Officers Association Award – (Marty Lawing)

Mr. Lawing, County Manager, explained that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the County of Brunswick by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). Mr. Lawing explained that the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The award of Financial Reporting Achievement has been awarded to Mrs. Ann Hardy, MPA, CPA, Director of Fiscal Operations. Mrs. Hardy accepted the award and wished to express her appreciation and then recognized members from her staff Mrs. Pam Barrett, Assistant Director of Fiscal Operations and Mr. Bill Noland, Accounting Supervisor who has been very instrumental in the county winning this award.

VII. PUBLIC HEARING

1. NC Department of Transportation 2005-2006 Secondary Roads Construction Program–(Chris Baker)

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:45 p.m. and explained that the purpose of the Hearing was to receive public comments concerning the North Carolina Department of Transportation 2005-2006 Secondary Roads Construction Program.

Chris Baker, representative from the Department of Transportation discussed the secondary road construction allocation in the amount of \$1,136,260.69. Mr. Baker presented the 2005-2006 Secondary Roads Construction Program as required by NCGS 136-44.5.

PUBLIC COMMENTS

Chairman Sandifer asked if any members of the audience wished to address the Board.

Lewis Dozier approached the Board and questioned plans for Big Macedonia road which was not on the list. Mr. Baker from the Department of Transportation responded to Mr. Dozier and explained that at this time only the named roads in the Secondary Roads Construction Program would be addressed. However, Mr. Baker indicated that Big Macedonia was a separate project and is scheduled to be resurfaced in the summer of 2006.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 6:54 p.m. The vote of approval was unanimous.

Mr. Baker requested that the Board of Commissioners adopt a resolution approving the 2005/2006 Secondary Roads Program as presented. Commissioner Moore moved to approve the Resolution in support of the Secondary Road Construction Program. The vote of approval was unanimous. (Originally listed under Administrative Report Item #1)

2. Public Housing – FY 2006 CDBG Scattered Site Housing Application -Vonnie Fullwood

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:56 p.m. and explained that the purpose of the Hearing was to receive comments concerning the FY 2006 CDBG Scattered Site Housing Application.

Vonnie Fulwood, Public Housing Director explained that the North Carolina Division of Community Assistance (DCA) has conditionally awarded Brunswick County and its interested municipalities \$400,000 in Community Development Block Grant (CDBG) funds as part of the FY 2006 Scattered Site Housing program (SSH).

Municipalities within the county were contacted to participate in the planning of this SSH project. Those interested municipalities joined in with the Housing Agency Staff and formed a Housing Selection Committee.

Through the endeavors of participating municipalities and the housing agency staff we received over 76 applications from interested families. We have chosen seven (7) beneficiaries to be included in this application. Preliminary estimates indicate that two (2) houses should be relocated and five (5) houses will be eligible for rehabilitation. Based on past performance we anticipate that we will be able to complete the following activities in this application:

<u>Activity</u>	<u>Estimated Cost</u>
Clearance	\$15,000.00
Relocation	\$170,000.00
Rehabilitation	\$139,000.00
Administration	\$36,000.00
Emergency Repairs	<u>\$40,000.00</u>
Total	\$400,000.00

We could use up to 10% of the application request as a local option for an emergency repair project. The SSH Committee voted unanimously to set aside \$40,000.00 for emergency repairs local option in this application. This emergency repair will allow us to address housing conditions which pose imminent threats to the life and safety and to make repairs necessary to alleviate further deterioration of the home until further rehabilitation can be done. If it is determined that the house cannot be rehabilitated, work will not be done on the unit. Houses for the Emergency repair local option did not have to be identified in this application, however when funding is available, information will be disseminated so that eligible families will be aware of the services that are available.

PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone who wished to address the board. There were no comments from the audience.

ADJOURN

Vice Chairman Norris moved to adjourn the Public Hearing at 6:57 p.m. The vote of approval was unanimous.

3. Utilities – Sewer Use Ordinance Backflow Device Amendment – Jerry Pierce

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:58 p.m. and announced the purpose of the Hearing was to receive public comments concerning the Sewer Use Ordinance Backflow Amendment.

Mr. Pierce, Utilities Director explained that during a review of the Sewer Use Ordinance, the County Attorney discovered an error in the language regarding the requirement to install a sewer backflow device. The existing language states that, “All plumbing fixtures or outlets connected to sanitary sewer that are not located below the level of the top of the first upstream manhole shall be equipped with an approved backwater device, or building sewer shall be so equipped.”

The word **not** that is included in the section is in error. Sewer services located below the top of the first upstream manhole should be required to install a backflow device. The proposed ordinance amendment would correct this error.

PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to address the board regarding the proposed amendment to the Sewer Use Ordinance. There were no comments from the audience.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 6:58. The vote of approval was unanimous.

4. Utilities – Sewer Use Ordinance Definition of Sewer Collection Line – Jerry Pierce

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:58 p.m. and announced that the purpose of the Public Hearing was to receive comments concerning the Sewer Use Ordinance Definition of Sewer Collection Line.

Mr. Pierce, Utilities Director explained the Sewer Use Ordinance requires the County to charge a sewer availability fee when a sewer collection main is adjacent to developed property. The Wastewater Rate Schedule did not include a sewer availability fee for properties that have sewer service available but had not connected to the system. When the proposed rate was presented to the Utility Operations Board, they expressed a desire to clarify the language in the Sewer Use Ordinance that defined when sewer service was available. The proposed amendment clarifies the definition of a sewer collection main.

PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to address the Board regarding the proposed amendment to the Sewer Use Ordinance. There were no comments from the audience.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 6:59 p.m. The vote of approval was unanimous.

5. Utilities – Mandatory Connection Ordinance Amendment – Huey Marshall

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:59 p.m. and announced that the purpose of the Hearing was to receive comments concerning the amendment to the Mandatory Connection Ordinance.

County Attorney, Huey Marshall explained that the Mandatory Connection Ordinance, adopted in 1997, did not initially address complex issues of sewer usage as the County had minimal connection with sewer customers. As conditions have changed the Ordinance should be amended to reflect the changes in sewer use policy.

PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to address the Board regarding the proposed amendment to the Mandatory Connection Ordinance. There were no comments from the audience.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:00 p.m. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. NC DOT– 2005/06 Secondary Roads Construction Program Resolution - (*Marty Lawing*)

Staff recommends that the Board of Commissioners approve the 2005/2006 Secondary Roads Construction Program Resolution. (Approved under Public Hearing Item #1)

2. Public Housing – 2006 Housing Agency Annual Plan - (Vonnie Fulwood)

Staff recommends that the Board of Commissioners set a Public Hearing for April 17, 2006 for public review and comments on the 2006 Housing Agency Annual Plan.

Vonnie Fulwood, Public Housing Director explained that the Department of Housing and Urban Development (HUD) requires that we submit an annual plan for detailing the administration of the Section 8 Housing Choice Voucher Program. This plan provides a guide to HUD as to how we plan to continue operation of the housing program. Due to voucher turnovers of families who no longer need assistance or determined ineligible we will be able to open our waiting list to all applicants by July 1, 2006. We anticipate that the wait would be approximately 24 months as opposed to 36 months.

A public hearing is required to receive public comment before the plan can be transmitted to HUD. Families participating in the program will be notified of the availability of the plan for review. Any comments or objections will be reviewed and considered. A copy of the plan is available for review in the Public Housing office.

Commissioner Norris moved to set a Public Hearing for April 17, 2006 at 6:30 p.m. for the review and comments on the 2006 Housing Agency Annual Plan. The vote of approval was unanimous.

3. Public Housing – FY06 CDBG Scattered Site Housing Application - (Vonnie Fulwood)

Staff recommends that the Board of Commissioners approve the FY 06 Community Development Block Grant Scattered Site Housing Application.

Commissioner Moore moved to approve the FY 06 Community Development Block Grant Scattered Site Housing Application. The vote of approval was unanimous.

4. Public Utilities – West Brunswick Regional Water Reclamation Facility Expansion — (Jerry Pierce)

Staff recommends that the Board of Commissioners approve a contract with McKim and Creed for engineering design services for the 3 mgd expansion for the West Brunswick Regional Water Reclamation Facility and the associated Budget Amendment.

Jerry Pierce, Utilities Director explained with the execution of the Sewer Service Agreement between the Town of Oak Island and Brunswick County, the West Brunswick Regional Water Reclamation Facility must be expanded from 3 million gallons per day (mgd) to 6 mgd. The County solicited proposals from nine qualified firms for the design of the expansion. After a review of the proposals, the Consultant Selection Committee selected the firm of McKim and Creed Consulting Engineers as the best firm for the project. A final scope of work was negotiated and a fee of \$352,000 is the cost associated with that scope of work. The Consultant Selection Committee recommends approval of the attached contract and that the Chairman be authorized to execute the contract on behalf of the County.

Commissioner Moore moved to approve the contract with McKim and Creed and the associated budget amendment. The vote of approval was unanimous.

5. Public Utilities – Sewer Use Ordinance Amendment – Definition of Sewer Collection Line - (Jerry Pierce)

Staff recommends that the Board of Commissioners adopt the proposed Sewer Use Ordinance Amendment as recommended.

Jerry Pierce, Utilities Director explained the adoption of an amendment to the Sewer Use Ordinance clarifying the definition of a Sewer Collection Line, adoption of a revision to the Sewer Policy that provides an exception for properties with building constructed lower than the adjacent gravity sewer

main, and adoption of a revised Wastewater Rate Schedule to include a sewer availability fee of \$18 per month.

Commissioner Norris moved to approve the Sewer Use Ordinance Amendment. The vote of approval was unanimous.

6. **Public Utilities – Sewer Use Ordinance Amendment – Sewer Backflow Device Installation (*Jerry Pierce*)**

Staff recommends that the Board of Commissioners adopt the proposed Sewer Use Ordinance amendment as recommended.

Jerry Pierce, Utilities Director explained in a review of the Sewer Use Ordinance, the County Attorney discovered an error in the language regarding the requirement to install a sewer backflow device. The existing language states that, “All plumbing fixtures or outlets connected to sanitary sewer that are not located below the level of the top of the first upstream manhole shall be equipped with an approved backwater device, or building sewer shall be so equipped.”

The word **not** that is included in the section is in error. Sewer services located below the top of the first upstream manhole should be required to install a backflow device. The proposed ordinance amendment would correct this error.

Commissioner Sue moved to approve the Sewer Use Ordinance Amendment. The vote of approval was unanimous.

7. **Public Utilities – Mandatory Connection Ordinance Amendment - (*Huey Marshall*)**

Staff recommends that the Board of Commissioners adopt the proposed Mandatory Connection Ordinance Amendment as recommended.

Huey Marshall, County Attorney explained that the Mandatory Connection Ordinance, adopted in 1997, did not initially address complex issues of sewer usage as the County had minimal connection with sewer customers. As conditions have changed, the Ordinance should be amended to reflect the changes in sewer use policy.

Commissioner Moore moved to approve the Mandatory Connection Ordinance Amendment. The vote of approval was unanimous.

IX. BOARD APPOINTMENTS

1. **Airport Commission** – (1 appointment)

Chairman Sandifer nominated Norman Meares. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to appoint Mr. Norman Mears. The vote of approval was unanimous.

X. COUNTY ATTORNEY’S REPORT

1. **Resolution In Support of Protecting Environmental Restraints** – (Added under adjustments to the agenda)

RESOLUTION IN SUPPORT OF PROTECTING ENVIRONMENTAL RESTRAINTS

RESOLVED, that Mother Brunswick has faced many challenges in the past, and is braving many new changes and adaptations in the present, and will continue to feel the force of change as times and purposes are altered or modified, and

RESOLVED, that the County has been able to accommodate the brunt of these changes as the events, such as hurricanes, nuclear power plants or wet mining, have been moderated by the application of reason, wherein the various parties could agree upon limits that would allow the progress to continue while not devastating the Natural Order, and maintaining responsibility, both organic and financial, so that if some mis-step were taken, recourse could be had such that a restoration could be implemented without inducing a financial or moral bankruptcy, as the parties facing the dilemma stood ready to make whole the error committed, and

RESOLVED, that the storage of automobile “fluff” on a site of such natural beauty and environmental fragility is not in the best interests of the County and its people, and that to take such a risk in the face of known environmental hazards such as the proximity of the water table to the land’s surface and the certainty of future hurricanes, will certainly cause environmental degradation, and thus far, no known financially secure entity has offered to insure the restoration of the area in the event of a serious challenge, and

RESOLVED, that there are lines that should not be crossed, and limits that should not be exceeded.

THEREFORE, the **Brunswick County Commissioners**, meeting in regular session, are hereby **RESOLVED** to support any and all local bills that contain the essential language of House Bills 350, 734, and 939, which will de-annex property out of the municipal limits of the Town of Navassa without harm to previous tax liens, and cause the land to conform to the current land use plan, and not allow such an environmentally taxing use of the property located in such an area of environmental sensitivity.

This the 20th day of March, 2006.

David R. Sandifer, Chair
Brunswick County Commissioners

Attest:

Deborah S. (Debby) Gore, Clerk to the Board, CMC

Commissioner Sue moved for the County Attorney to draft a resolution in support of House Bill 939 which will be an attempt to stop Hugo Neu from coming into Brunswick County. The vote of approval was unanimous.

2. Closed Session (added under adjustments to the agenda)

Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.10 (a) (4) attorney-to discuss a confidential matter. The vote of approval was unanimous.

BREAK

Chairman Sandifer called a ten-minute break.

RECONVENED 7:43 p.m.

Chairman Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XII. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 7:44 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Margie Stephenson, Deputy Clerk to the Board